

From: Terry McAdams
To: Fowler, Gene
Date: 3/3/05 12:33PM
Subject: Re: PCBs at Unimatic (E20010335)

230834



Gene,

It's my understanding that DEP has no authority for health and safety issues over private employers unless they have a DEP permit that requires compliance with federal OSHA regulations. That being said, anyone can report an unsafe condition to the OSHA regional office, anonymously if they prefer. I've done this in a few cases and got a pretty good response where very unsafe working conditions were evident at a site.

If State or County workers have to enter an unsafe site, the New Jersey Public Employees Occupational Health and Safety Act (PEOSHA) would apply to the workers. This being the case, if we intend to inspect Unimatic we may want to get guidance from our health and safety office on how to avoid PCB exposures prior to inspecting the site.

terry

terry

>>> Gene Fowler 03/02/05 03:37PM >>>

Hi Terry:

The next time you are in I need you to get back to me regarding our conversation on March 1 about who to contact within DEP concerning the workers exposure to PCBs at the site. Specifically, the workers that occupy the site every day inside the building.

Thanks, Gene
7-1947

CC: Haymes, David

From: Gene Fowler
To: Nickerson, Jay
Date: 3/3/05 5:31PM
Subject: Unimatic site visit

Hi Jay:

I went to Unimatic (E20010335), Fairfield, on Thurs., March 3, per John Graham's recommendation, to view the black stained floor, in the areas that had PCBs in the chip samples. I took many photos to document the area that I will make available to Terry in the shared directory.

The RP thought PCB laden oil was upwelling from under the concrete floor and into the building. The RP will core through the concrete to verify whether or not this is the case (workplan dated March 2). The black stained floor was confined to a shelving area at the wall of the building overlooking General Hose site. Note the building is actively operating as a machine shop and no oil or product of any kind is used in the building, per the RP. Also, the stained floor is thought to be from an old spill. At the site, I received a document, dated March 3, and the RP plans on implementing the workplan this weekend (March 5/6). I already referred this to Terry. I met Ben Alter of GZA on-site and I told him that I can't get an approval with a days notice.

When I returned to the office I discussed the above with John Graham. Please note that my AWP is Friday, March 4, and I will follow-up on this matter with John G. when I return to the office on Mon., March 7.

Gene
cc: left side

CC: Graham, John; McAdams, Terry

From: Terry McAdams
To: Fowler, Gene
Date: 3/4/05 7:16AM
Subject: Re: Unimatic site visit

Thanks for the update, Gene,

terry

>>> Gene Fowler 03/03/05 05:31PM >>>

Hi Jay:

I went to Unimatic (E20010335), Fairfield, on Thurs., March 3, per John Graham's recommendation, to view the black stained floor, in the areas that had PCBs in the chip samples. I took many photos to document the area that I will make available to Terry in the shared directory.

The RP thought PCB laden oil was upwelling from under the concrete floor and into the building. The RP will core through the concrete to verify whether or not this is the case (workplan dated March 2). The black stained floor was confined to a shelving area at the wall of the building overlooking General Hose site. Note the building is actively operating as a machine shop and no oil or product of any kind is used in the building, per the RP. Also, the stained floor is thought to be from an old spill. At the site, I received a document, dated March 3, and the RP plans on implementing the workplan this weekend (March 5/6). I already referred this to Terry. I met Ben Alter of GZA on-site and I told him that I can't get an approval with a days notice.

When I returned to the office I discussed the above with John Graham. Please note that my AWP is Friday, March 4, and I will follow-up on this matter with John G. when I return to the office on Mon., March 7.

Gene
cc: left side

CC: Haymes, David

File
3-4-05

Michael

Hejazi

973-263-1003

ext. 126

hejazi.michael@dol.gov

(e-mailed
Mon, 3-7-05)

will contact his

area director

if a
referral is needed

and if they need to
contact Framework and or GZA

From: Terry McAdams
To: Fowler, Gene
Date: 3/8/05 9:15AM
Subject: Re: Unimatics March 7, 2005 Summary

Nicely put, Gene,

I was also thinking about your site visit. I'm now wondering if we shouldn't discuss with our respective supervisors the need to get our own DEP health and safety professionals involved for guidance. I don't personally know that much about acute exposures to PCBs in terms of skin contact and breathing air issues.

Let me know what you think, and, if you want to pursue this, we can set up a meeting with our supervisors to discuss.

terry

>>> Gene Fowler 03/08/05 08:38AM >>>
RE: Unimatic (E20010335)

Hello Ben:

This morning I received your faxed summary dated March 7, 2005. Please note that I work in the Bureau of Northern Case Management/P.O. Box 432 as opposed to your letter that shows Bureau of Field Operations/P.O. Box 435. Also, please use the correct zip code. Please note the correct address for future correspondence to avoid a delay in my receipt of the hard copy.

Please note that Unimatic is in the Remedial Investigation phase. In Unimatic's March 7, 2005 summary, the first paragraph refers to a Remedial Action Workplan (RAW). However, the "RAW" (2-pages and 1 figure) addresses a cleanup for the building interior and is not a site wide RAW, where a RAW is completed in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

Also, your letter reports that "he did indicate that GZA was not proposing anything that the Department would disapprove of in principle." Please note that I told you (Ben) that the PCB cleanup issue is not my expertise and that I would send your recent submittals to Terry McAdams for comment. In addition, you must contact me concerning Unimatic and not to contact Terry direct. The point of the site inspection on March 3 was to primarily photo document the PCB impacted area and, a secondary point, was to conduct a general site walk-through, and not to approve or disapprove any proposals made by GZA on behalf of Unimatic.

Please contact me with any questions.

Sincerely, Gene
cc: Unimatic Case Files

Gene P. Fowler, CPG
Case Manager
NJ Dept. of Environmental Protection
Bureau of Northern Case Management
401 E. State St., 5th Floor
P.O. Box 432
Trenton, NJ 08625
Ph 609-777-1947
Fx 609-777-4285

From: "Hejazi, Michael - OSHA" <Hejazi.Michael@dol.gov>
To: "Gene Fowler" <Gene.Fowler@dep.state.nj.us>
Date: 3/8/05 4:42PM
Subject: RE: Frameware, Fairfield, NJ

Hello Gene,

Thanks for the information. We did inspect Frameware Inc. and the inspection number is 308515782. We also met with GZA officials and we are going to open a separate inspection with them. The information that we have received from the GZA were not clear. It appeared to us that have not been following proper safety procedure for themselves or the Frameware employees. Can you provide us with more information in regards to how you found out about the contamination inside the building (exact date), why GZA has not considered a proper health and safety plan for the Frameware employees and exactly when the GZA found out about the inside contamination and why they went ahead with their clean up without proper authorization from DEP by using another sub-contractor to do the cleaning. We also need to know if the site has been identified as a Hazardous Waste Site? Please feel free to respond back through the email or we can meet at our office or if it is more convenient we can talk on the phone. My phone number is (973) 263 - 1003, EXT:126.

Sincerely, Michael

Michael Hejazi, Ph.D.
Industrial Hygienist
Federal Compliance Officer

No, ISRA case

spell
out

see
TRSR

-----Original Message-----

From: Gene Fowler [mailto:Gene.Fowler@dep.state.nj.us]
Sent: Monday, March 07, 2005 11:14 AM
To: hejazi.michael@dol.gov
Subject: Frameware, Fairfield, NJ

RE: ISRA case name Unimatic Manuf.
ISRA case No. E20010335
25 Sherwood Lane, Fairfield, Essex County, NJ

Hi Michael:

Thanks for your time when we last spoke on Friday, March 4, 2005. I need to know if you assigned a case number or some type of verification number to confirm our conversation.

Also, it should be noted that I attended the walk through with two representatives of GZA who provided me with Saranac booties that were stained black after the walk through. The booties had a coating of oil and I had to wash my hands after removal of the booties. Please note that no oils/product of any kind is used at Frameware, per GZA. Also, note I signed GZA's health and safety plan prior to entering the building.

As discussed, I'll forward the digital photos to you as soon as I have them available.

Sincerely, Gene

E20010335 -

I spoke
to Jay
about this

on

3/8/05

+ I will

Speak to
John G. about
this on 3/10;

John is out on 3/9

3/9: Jay entered
this into NJEMS

because this e-mail
is a series of
questions that
requires a
response on my
part.

Feb 28
and
got
the
"possible
upwelling"
call
on
March 3

From: Terry McAdams
To: Fowler, Gene
Date: 4/12/05 3:29PM
Subject: Unimatic, again

Gene,

My supervisor just informed me they want to have another meeting on the indoor contamination issues at Unimatic. If you could hold off on transmitting the comments I sent up earlier today until later tomorrow (3/13), I'd appreciate it.

I'll e-mail you as soon as we're done to let you know if we're changing our comments.

Also, are the sampling result map and the 3-D/color contamination charts you sent down with the last batch of Unimatic referrals your only copies? If not, I'd like to keep them for the file as they're quite useful. Otherwise, I'll return them after tomorrow's meeting.

thanks,

terry

Terry McAdams
Research Scientist
Bureau of Environmental Evaluation & Risk Assessment
NJDEP, PO Box 413, Trenton, NJ 08625
Terry.Mcadams@dep.state.nj.us

From: Terry McAdams
To: Fowler, Gene
Date: 4/13/05 1:45PM
Subject: Fwd: Unimatic PCB site ISRA # E20010335

Gene/John

I just learned today (4/13) that you will be on medical leave for some time. To summarize, yesterday I forward to you my review memo of the last five letter submittals from the RP in this case. Later yesterday, I asked you to forego forwarding the comments to the RP, as my own management was rethinking BEERA's position on the PCB contamination of the interior concrete floors and underlying soils in the eastern interior portion of the building.

The Bureau Chief has decided to approach EPA for a determination on what cleanup standards should apply to this concrete flooring and underlying soils, and how remediation should proceed. Attached below is a brief summary I prepared and forwarded to the Bureau Chief today. I'll keep both of you informed of any further developments.

The comments in my 4/12/05 memo concerning 1/28/05 Unimatic letter may be forwarded to the RP. We ask that all other comments in that memo be withheld until Kevin gives us the EPA determination.

Thanks,

terry

>>> Terry McAdams 04/13/05 1:27 PM >>>
Kevin,

As requested, the facts of the case pertinent to the PCB contamination of the interior concrete flooring are as follows.

The 1.23 acre site in Fairfield Twp, Essex Co, NJ contains one approximately 18,000 sq. ft. building which formerly housed an aluminum die-casting operation. PCB-laden lubricating and cutting oils were used in the building for many years.

The eastern interior portion of the building has extensive PCB contamination in the concrete flooring. Initial chip sampling of this area reported to date detected Aroclor 1248 at levels ranging from 16 ppm to 9200 ppm. The area has since had 1/4" of concrete planed from the floor and has been resampled. Analytical results of this more recent chip sampling have not yet been submitted but were reported to be disappointing. No core sampling results of the concrete flooring have been reported to date.

The same interior area of the building formerly contain five floor trenches. Sampling of the soils under the flooring in this area detected PCBs at levels ranging from 0.97 ppm to 238 ppm at depths ranging from 2 feet to 13.5 feet below the flooring.

Soils in the exterior portion of the site contain PCBs at levels ranging from 1.7 ppm to 2,180 ppm at depths ranging from 2 feet to 39 feet below grade surface (bgs). Exterior soils within 15 linear feet of the area of the building containing the contaminated flooring contain PCBs at levels ranging from 1.7 ppm to 1,130 ppm at depths ranging from 3 feet to 10.5 feet bgs.

I will forward summaries of any new analytical results from this site to you as soon as I receive them.

Thanks, again, for you guidance,

Terry McAdams
Research Scientist

Bureau of Environmental Evaluation & Risk Assessment
NJDEP, PO Box 413, Trenton, NJ 08625
Terry.Mcadams@dep.state.nj.us

CC: Graham, John; Haymes, David

From: John Graham
To: Schick, Kevin
Date: 4/15/05 3:26PM
Subject: Re: Fwd: Unimatic PCB site ISRA # E20010335

We should meet next week. My point is that I am not managing the worker exposure criteria and I am not approving any interior cleanup numbers, health based or otherwise. I will have our secretary set it up between you, Steve and I.

>>> Kevin Schick 04/15/05 3:05 PM >>>

I have no prior experience with OSHA getting involved with PCB contaminated buildings. OSHA usually bases worker exposure on risk management rather than a risk assessment basis and there criteria are typically much higher than health-based. We have recently had OSHA exposure values (ex. PELs) proposed for industrial sites with vapor intrusion problems. Unless the current works use the chemicals that are present in a building that is resulting from vapor intrusion, we had not accepted the OSHA values. Why should a worker be allowed to be exposed to contaminant well above any health-based criterion when they do not use the chemical or have proper Right to Know training with it. Similarly, since PCBs have long since been banned, the current exposure of workers to PCBs should be based upon health-based criteria rather than what may be a risk management OSHA approach. The TSCA "Mega Rule " does address contaminated concrete and building reuse and EPA's opinion may be different from OSHA's. Let me know if you would like to meet on this next week.

John Graham 04/15/05 2:44 PM >>>

I understand where you are coming from. However, the emails I have been reading indicate you are trying to come up with a worker exposure # and remedy (epoxy) for interior concrete exposure. OSHA was already called in on the worker exposure issue. I made it clear to the RP that the DEP is concerned with any potential future migration to the soil beneath the concrete. That is the angle I was using. If we need to discuss it further we should meet next week with Steve. Thanks.

>>> Kevin Schick 04/15/05 1:51 PM >>>

John, while it is true that DEP policy is to not routinely address building interiors, we are clearly allowed to and have in the past addressed issues where contamination within a building has contaminated the outside environment. Since this site had highly contaminated free PCB liquids that have likely gone through the concrete and contaminated the underlying soils, I would not necessarily agree that it is outside of our jurisdiction. Even if it were, I would have required that EPA/TSCA be contacted and provide recommendations on the contaminated concrete.

We have worked on a number of similarly PCB contaminated structures in various programs within the SRWM and are currently scheduling a meeting with management at EPA/TSCA to discuss these issues. Steve Maybury is already aware of our intent to meet and discuss PCB remediation consistency issues with EPA relative to the ISRA Arsynco and other cases. The Hartz Mountain Harrison ISRA site also has contaminated concrete issues needing resolution.

>>> John Graham 04/15/05 1:01 PM >>>

Terry, I am not sure why you are pursuing a indoor floor cleanup #. We already advised Unimatic that the final interior cleanup was not under our jurisdiction. Our jurisdiction lies with the exterior environment.

>>> Terry McAdams 04/15/05 11:30 AM >>>

Gene, John,

Kevin Schick and I had another discussion of the Unimatic case this morning. The problem with the EPA e-mail (below) is that it does not give us a final determination on how to proceed with the indoor flooring and underlying soils at this site. Kevin advised me that he will continue to pursue a final EPA determination for this part of the site. I suspect Unimatic's attorney is pursuing the same determination as we speak.

Anyhow, until such time as EPA says otherwise, the applicable cleanup criteria for the concrete flooring is 2 ppm for restricted use (probably with epoxy coating of the flooring), or 0.49 ppm for unrestricted use (again, probably with epoxy coating, as this was required at other sites). The underlying soils may only have to be remediated to 100 ppm within the building footprint, according to Kevin.

We're still somewhat in the dark about the flooring until we get the twice-requested concrete core samples.

Kevin and I also discussed indoor air issues. Apparently, we don't regulate this but we may want to advise Unimatic that indoor air quality could be a continuing problem at the facility. I believe Gene had mentioned that OSHA did not take air samples.

Again, we can discuss further when Gene returns from sick leave.

terry

>>> Terry McAdams 04/15/05 7:56 AM >>>

Gene/John:

E-mail determination from EPA below. WE can discuss when Gene returns from sick leave.

terry

Terry McAdams
Research Scientist
Bureau of Environmental Evaluation & Risk Assessment
NJDEP, PO Box 413, Trenton, NJ 08625
Terry.Mcadams@dep.state.nj.us

>>> <Kraft.Daniel@epamail.epa.gov> 04/14/05 12:18 PM >>>

Kevin, we are available to meet and consult on any PCB issue at your convenience. Please review the Stoller letter you cited below. That letter was not an agreement with or approval of their proposed activity. The letter indicates that cleaning of areas containing PCB concentrations of less than 50 ppm and the removal of material with PCB concentrations in excess of 50 ppm was consistent with the PCB regulations.

Kevin Schick

<Kevin.Schick@dep.state.nj.us>

To: Dennis McChesney/R2/USEPA/US@EPA

cc: Bill Hanrahan <Bill.Hanrahan@dep.state.nj.us>, David Haymes

<David.Haymes@dep.state.nj.us>, Steve Maybury

<Steve.Maybury@dep.state.nj.us>, Terry

04/13/2005 06:32 PM

McAdams <Terry.McAdams@dep.state.nj.us>, Daniel

Kraft/R2/USEPA/US@EPA

Subject: Fwd: Unimatic PCB site ISRA # E20010335

Hello Dennis, I have asked that the our the meeting we have previously discussed be set up by our Director's office (Tom Cozzi). For some

reason a whole range of TSCA issue have recently arisen on a number of sites, making this meeting very necessary. As a case in point the issue of PCB contaminated concrete arose at 2 different sites today and I am forwarding some information to you from the Unimatic ISRA site from Terry McAdams, a Technical Coordinator in my bureau and I am asking for your advice.

Aside from the soil issues presented below, more troubling for me is the highly contaminated concrete with chip sample levels to 9,200 ppm and a good likelihood that the PCBs have gone completely through the concrete and contaminated underlying soils. Site trigger the ISRA program due to a change in operations, cesation of operations or a sale.

I realize that the August 14, 2003 Robert Fabricant (USEPA General Counsel) memorandum clarified the TSCA position regarding the distribution in commerce/sale of real property contaminated with PCBs and allowed sale of such contaminated properties.

My question to you is at what levels would you require cleanup of such contaminated concrete. At some sites under NJDEP oversight we have reached agreement with responsible parties to delineate and remediate contaminated concrete to the 0.49 Soil Cleanup Criteria where a no further action without deed notice or covering were required. We have also utilized non-residential numbers for such non-residential cleanups with institutional and engineering controls. On the Hartz Mountain site in Secaucus, a cleanup was conducted in 1999 and an April 16, 1999 letter signed by Ken Stoller and providing David Greenlaw (USEPA, Pesticides and Toxic Substances Branch) as the contact agreed to a proposal to delineate and remediated contaminated concrete with levels of PCBs > 50 ppm. Remediation in these areas required the removal of concrete to a depth of 2 inches, with restoration by application of new concrete.

I have seen other proposals and approvals for contaminated concrete with a variety of site specific approaches taken. Can you please look at the below information and provide recommendations regarding what PCB criteria would be applicable for delineation and what form of remediation would be appropriate for such contaminated concrete. Thank you.

Kevin Schick
Bureau Chief
NJDEP/SRWM/Bur. Env. Eval. & Risk Assess.
P.O. Box 413
Trenton, NJ 08625
(609) 984-1825
kevin.schick@dep.state.nj.us

>>> Terry McAdams 04/13/05 1:27 PM >>>
Kevin,

As requested, the facts of the case pertinent to the PCB contamination of the interior concrete flooring are as follows.

The 1.23 acre site in Fairfield Twp, Essex Co, NJ contains one approximately 18,000 sq. ft. building which formerly housed an aluminum

die-casting operation. PCB-laden lubricating and cutting oils were used in the building for many years.

The eastern interior portion of the building has extensive PCB contamination in the concrete flooring. Initial chip sampling of this area reported to date detected Aroclor 1248 at levels ranging from 16 ppm to 9200 ppm. The area has since had 1/4" of concrete planed from the floor and has been resampled. Analytical results of this more recent chip sampling have not yet been submitted but were reported to be disappointing. No core sampling results of the concrete flooring have been reported to date.

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I will forward summaries of any new analytical results from this site to you as soon as I receive them.

Thanks, again, for you guidance,

Terry McAdams
Research Scientist
Bureau of Environmental Evaluation & Risk Assessment
NJDEP, PO Box 413, Trenton, NJ 08625
Terry.Mcadams@dep.state.nj.us

CC: Fowler, Gene; Frasco, Barry; Haymes, David; Maybury, Steve; McAdams, Terry; Nickerson, Jay

From: Jay Nickerson
To: Fowler, Gene
Date: 4/20/05 12:20PM
Subject: Unimatic, PCB issue

Gene, John, Steve and I just had a meeting w/Kevin Schick and Dave Haymes regarding Unimatic/PCBs/OSHA and TSCA issues. Everything went great. Please send/email the OSHA contact for the Unimatic site to Kevin Schick (and copy Terry McAdams as well). Also, please send all future submittals, reports and comments from OSHA to Terry McAdams. Terry will then send them to Kevin for his use.

I would like to re-convey to you, Steve's comment on "Thanks for the good work on Unimatic." I concur.
thanks jay

Jay Nickerson
Site Remediation Program
New Jersey Department of Environmental Protection
(609) 633-1448 telephone
(609) 777-4285 fax

CC: Graham, John; Maybury, Steve; McAdams, Terry

From: Gene Fowler
To: McAdams, Terry; Schick, Kevin
Date: 4/20/05 12:37PM
Subject: Unimatic

RE: ISRA case name Unimatic Manuf.
ISRA case No. E20010335
Current Operator: Frameware, Inc.
25 Sherwood Lane, Fairfield, Essex County, NJ

The OSHA contact for Unimatic is:
Michael Hejazi, Ph.D.
Industrial Hygienist
Federal Compliance Officer
Parsippany, NJ
(973) 263 - 1003, EXT:126
Hejazi.Michael@dol.gov

Please call me with any questions.
gene
7-1947

CC: Graham, John; Nickerson, Jay

From: "Hejazi, Michael - OSHA" <Hejazi.Michael@dol.gov>
To: "Gene Fowler" <Gene.Fowler@dep.state.nj.us>
Date: 4/28/05 10:07AM
Subject: RE: Frameware, Fairfield, NJ

Hello Gene,

Thank you very much for the information.

Michael Hejazi, Ph.D.
Industrial Hygienist
Federal Compliance Officer

-----Original Message-----

From: Gene Fowler [mailto:Gene.Fowler@dep.state.nj.us]
Sent: Thursday, April 28, 2005 9:29 AM
To: Hejazi.Michael@dol.gov
Cc: Jay Nickerson; John Graham
Subject: RE: Frameware, Fairfield, NJ

Hello Michael:
The following is in reply to your e-mail dated March 8, 2005 (attached).

RE: Frameware Inc., 25 Sherwood Lane, Fairfield, Essex County
OSHA Inspection No. 308515782
NJDEP ISRA Case Name: Unimatic Manufacturing (Unimatic)
NJDEP ISRA Case No.: E20010335

OSHA Question: Can you provide us with more information in regards to how you found out about the contamination inside the building (exact date).

NJDEP Response: On February 28, 2005, Ben Alter, Vice President of GZA, called me to tell me that the chip/wipe samples that were collected on February 7, 2005 came up hot with PCBs. On March 3, 2005, Ben Alter called me in the morning to inform me that PCB-laden hydraulic oil upwelled through the concrete floor to the inside of the building. When I arrived on-site in the afternoon of March 3, 2005, Ben Alter told me that he did not think that the oil upwelled through the floor even though he thought so in the morning. Also, GZA told me that they are not sure if oil upwelled or not and that will be determined when they investigate the concrete boreholes.

OSHA Question: Why GZA has not considered a proper health and safety plan for the Frameware employees?

NJDEP Response: It's my understanding that DEP has no authority for health and safety issues over private employers unless they have a DEP permit that requires compliance with federal OSHA regulations.

OSHA Question: Exactly when the GZA found out about the inside contamination.

NJDEP Response: After February 7, 2005; On February 7, 2005, GZA collected

ne Fowler - RE: Framework, Inc.
12 chip and 12 wipe samples from the black stained concrete floor. On March 2, 2005, GZA faxed the tabulated chip/wipe sample results to NJDEP included in a one-page Indoor Delineation Sampling Plan. The chip/wipe sampling was conducted inside the building as requested by NJDEP in its letter dated November 9, 2004.

OSHA Question: Why they (GZA) went ahead with their clean up without proper authorization from DEP by using another sub-contractor to do the cleaning?

NJDEP Response: Building interior cleanup is not regulated by NJDEP. When I was on-site on March 3, 2005, I observed and photo documented the chip sample locations and the subsurface of the concrete had no oil staining, only the surficial black-stained floor.

The NJDEP regulates the site investigation of building interiors pursuant to the Technical Requirements for Site Remediation, N.J.A.C.

7:26E-3.5: "The site investigation of building interiors shall be conducted when contaminants inside the building have the potential to migrate to the environment outside the building or when contaminants outside the building have the potential to migrate into the building.

Minimum requirements for investigating contaminants inside buildings which have the potential to migrate to the environment outside the building are specified in N.J.A.C. 7:26E-3.9, and requirements for investigating contaminants outside buildings which have the potential to migrate into buildings shall be specified by the Department on a site specific basis."

OSHA Question: We also need to know if the site has been identified as a Hazardous Waste Site?

NJDEP Response: The site is not identified as a Hazardous Waste Site. The site is in NJDEP's Industrial Site Recovery Act (ISRA) program.

Please contact me with any questions.
Sincerely, Gene

Gene P. Fowler, CPG
Case Manager
NJ Dept. of Environmental Protection
Bureau of Northern Case Management
401 E. State St., 5th Floor
P.O. Box 432
Trenton, NJ 08625
Ph 609-777-1947
Fx 609-777-4285

>>> "Hejazi, Michael - OSHA" <Hejazi.Michael@dol.gov> 03/08/05 4:41 PM
>>>

Hello Gene,

Thanks for the information. We did inspect Framework Inc. and the inspection number is 308515782. We also met with GZA officials and we are going to open a separate inspection with them. The information that we have received from the GZA were not clear. It appeared to us that have not been following

ne Fowler - RE: Framework
proper safety procedure for themselves or the Framework employees. Can you provide us with more information in regards to how you found out about the contamination inside the building(exact date), why GZA has not considered a proper health and safety plan for the Framework employees and exactly when the GZA found out about the inside contamination and why they went ahead with their clean up without proper authorization from DEP by using another sub-contractor to do the cleaning. We also need to know if the site has been identified as a Hazardous Waste Site? Please feel free to respond back through the email or we can meet at our office or if it is more convenient we can talk on the phone. My phone number is (973) 263 - 1003, EXT:126.

Sincerely, Michael

Michael Hejazi, Ph.D.
Industrial Hygienist
Federal Compliance Officer

-----Original Message-----

From: Gene Fowler [mailto:Gene.Fowler@dep.state.nj.us]
Sent: Monday, March 07, 2005 11:14 AM
To: hejazi.michael@dol.gov
Subject: Framework, Fairfield, NJ

RE: ISRA case name Unimatic Manuf.
ISRA case No. E20010335
25 Sherwood Lane, Fairfield, Essex County, NJ

Hi Michael:

Thanks for your time when we last spoke on Friday, March 4, 2005. I need to know if you assigned a case number or some type of verification number to confirm our conversation.

Also, it should be noted that I attended the walk through with two representatives of GZA who provided me with Saranac booties that were stained black after the walk through. The booties had a coating of oil and I had to wash my hands after removal of the booties. Please note that no oils/product of any kind is used at Framework, per GZA. Also, note I signed GZA's health and safety plan prior to entering the building.

As discussed, I'll forward the digital photos to you as soon as I have them available.

Sincerely, Gene

Gene P. Fowler, CPG
Case Manager
NJ Dept. of Environmental Protection
Bureau of Northern Case Management
401 E. State St., 5th Floor
P.O. Box 432
Trenton, NJ 08625
Ph 609-777-1947
Fx 609-777-4285

DRAFT

RE: Frameware Inc., 25 Sherwood Lane, Fairfield, Essex County
OSHA Inspection No. 308515782
NJDEP ISRA Case Name: Unimatic Manufacturing (Unimatic)
NJDEP ISRA Case No.: E20010335

OSHA Question: Can you provide us with more information in regards to how you found out about the contamination inside the building (exact date).

NJDEP Response: On February 28, 2005, Ben Alter, Vice President of GZA, called me to tell me that the chip/wipe samples that were collected on February 7, 2005 came up hot with PCBs. On March 3, 2005, Ben Alter called me in the morning to inform me that PCB-laden hydraulic oil upwelled through the concrete floor to the inside of the building. When I arrived on-site in the afternoon of March 3, 2005, Ben Alter told me that he did not think that the oil upwelled through the floor even though he thought so in the morning. Also, GZA told me that they are not sure if oil upwelled or not and that will be determined when they investigate the concrete boreholes.

OSHA Question: Why GZA has not considered a proper health and safety plan for the Frameware employees?

* NJDEP Response: *Can I answer this with Terry's e-mail? (attached)*
Don't include entire e-mail. Just first sentence I highlighted.

OSHA Question: Exactly when the GZA found out about the inside contamination.

NJDEP Response: After February 7, 2005; On February 7, 2005, GZA collected 12 chip and 12 wipe samples from the black stained concrete floor. On March 2, 2005, GZA faxed the tabulated chip/wipe sample results to NJDEP included in a one-page Indoor Delineation Sampling Plan. The chip/wipe sampling was conducted inside the building as requested by NJDEP in it's letter dated November 9, 2004.

OSHA Question: Why they (GZA) went ahead with their clean up without proper authorization from DEP by using another sub-contractor to do the cleaning?

NJDEP Response: Building interior cleanup is not regulated by NJDEP. When I was on-site on March 3, 2005, I observed and photo documented the chip sample locations and the subsurface of the concrete had no oil staining, only the surficial black-stained floor.

The NJDEP regulates the site investigation of building interiors pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-3.5: "The site investigation of building interiors shall be conducted when contaminants inside the building have the potential to migrate to the environment outside the building or when contaminants outside the building have the potential to migrate into the building. Minimum requirements for investigating contaminants inside buildings which have the potential to

migrate to the environment outside the building are specified in N.J.A.C. 7:26E-3.9, and requirements for investigating contaminants outside buildings which have the potential to migrate into buildings shall be specified by the Department on a site specific basis."

OSHA Question: We also need to know if the site has been identified as a Hazardous Waste Site?

NJDEP Response: The site is not identified as a Hazardous Waste Site. The site is in NJDEP's Industrial Site Recovery Act (ISRA) program.

Please contact me with any questions.

Sincerely, Gene

From: Kevin Schick
To: hejazi.michael@dol.gov
Date: 4/28/05 11:31AM
Subject: Unimatic Manufacturing (Framework, Inc.) site in Fairfield

Hello Dr. Hejazi, your name was forwarded to me by the NJDEP assigned case manager handling the Unimatic Manufacturing site investigation under our ISRA program. It is my understanding that you are involved in this case for OSHA as the industrial hygienist/Federal Compliance Officer. After discussing the situation with the assigned NJDEP case team regarding the high levels of PCBs that have been found in the concrete flooring and possible free PCB contaminated liquids, I was glad to hear that this issue had been referred to OSHA for evaluation.

While the NJDEP is limited under existing regulations from requiring cleanup within buildings unless a direct route to is found to environmental contamination, we do have some experience with the remediation of PCB contaminated concrete where the facility owners have voluntarily requested our assistance. I am very interested in what approach and you will be taking to investigate and mitigate the PCB contamination within the Unimatic facility and would appreciate a synopsis of your approach. A response via email is preferred, however my complete contact information is provided below.

Thank you

Kevin Schick
Bureau Chief
NJDEP/SRWM/Bur. Env. Eval. & Risk Assess.
P.O. Box 413
Trenton, NJ 08625
(609) 984-1825
kevin.schick@dep.state.nj.us

CC: Fowler, Gene; Graham, John; Haymes, David; McAdams, Terry; Nickerson, Jay

From: Kevin Schick
To: hejazi.michael@dol.gov; Schick, Kevin
Date: 5/11/05 11:13AM
Subject: Re: Unimatic Manufacturing (Framework, Inc.) site in Fairfield

Michael, I am forwarding this to the case team here at the NJDEP associated with the PCB contamination at the Unimatic Manufacturing site. As we discussed today the Unimatic Manufacturing worker health and safety PCB issue continues to be under OSHA oversight. The indoor air has been tested and compared to OSHA PEL values and the contaminated concrete area has been access restricted. You indicated that the inspection was still considered active and that a citation addressing the required abatement will be finalized in 2-3 weeks with myself and the DEP case manager copied. Thank you very much for your assistance.

Kevin Schick
Bureau Chief
NJDEP/SRWM/Bur. Env. Eval. & Risk Assess.
P.O. Box 413
Trenton, NJ 08625
(609) 984-1825
kevin.schick@dep.state.nj.us

>>> Kevin Schick 04/28/05 11:31 AM >>>

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NJDEP/SRWM/Bur. Env. Eval. & Risk Assess.
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Trenton, NJ 08625
(609) 984-1825
kevin.schick@dep.state.nj.us

CC: Fowler, Gene; Graham, John; Haymes, David; McAdams, Terry; Nickerson, Jay

From: Kevin Schick
To: hejazi.michael@dol.gov
Date: 6/24/2005 11:00:58 AM
Subject: Re: Unimatic Manufacturing (Framework, Inc.) site in Fairfield

Hello Mr. Hejazi, I am resending this e-mail from May 11 as a followup to our telephone conversation held at that time. Has the written response to Unimatice (Framework, Inc.) been completed?

Michael, I am forwarding this to the case team here at the NJDEP associated with the PCB contamination at the Unimatic Manufacturing site. As we discussed today the Unimatic Manufacturing worker health and safety PCB issue continues to be under OSHA oversight. The indoor air has been tested and compared to OSHA PEL values and the contaminated concrete area has been access restricted. You indicated that the inspection was still considered active and that a citation addressing the required abatement will be finalized in 2-3 weeks with myself and the DEP case manager copied. Thank you very much for your assistance.

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kevin.schick@dep.state.nj.us

>>> Kevin Schick 04/28/05 11:31 AM >>>

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Thank you

Kevin Schick
Bureau Chief
NJDEP/SRWM/Bur. Env. Eval. & Risk Assess.
P.O. Box 413
Trenton, NJ 08625
(609) 984-1825
kevin.schick@dep.state.nj.us

From: "Hejazi, Michael - OSHA" <Hejazi.Michael@dol.gov>
To: "Gene Fowler" <Gene.Fowler@dep.state.nj.us>
Date: 6/30/2005 11:02:10 AM
Subject: RE: air results

Hello Gene,

Yes, would you please submit a copy. My fax number is (973) 299 - 7161.
Greatly appreciate your help.

Thanks and have a great holiday.

Mike

Michael Hejazi, Ph.D.
Industrial Hygienist
Federal Compliance Officer

-----Original Message-----

From: Gene Fowler [mailto:Gene.Fowler@dep.state.nj.us]
Sent: Thursday, June 30, 2005 8:17 AM
To: Hejazi, Michael - OSHA
Subject: air results

RE: Unimatic Manufacturing (Framework, Inc.), Fairfield
NJDEP ISRA Case ##20010335

Hello Michael:

Please reply if you want a copy of the following report or let me know if you already have it. I have an air sampling results report dated March 11, 2005. The results are from GZA that were sent to Mr. William Friedman (attorney), the agent for Unimatic.

I will look forward to your reply.
Thanks, Gene

Gene P. Fowler, CPG
Case Manager
NJ Dept. of Environmental Protection
Bureau of Northern Case Management
401 E. State St., 5th Floor
P.O. Box 432
Trenton, NJ 08625
Ph 609-777-1947
Fx 609-777-4285

CC: "Hejazi, Michael - OSHA" <Hejazi.Michael@dol.gov>

IND SITE EVAL ELEM

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State of New Jersey
Department of Environmental Protection

James E. McGreevey
Governor

Bradley M. C.
Commissioner

FACSIMILE COVER SHEET

DATE: June 30, 2005

TO: Michael Hejazi

Per John Graham's 6/29/05
Request, I faxed
the attached to
OSHA and no need
for a BNCM reply to the RP.
Carroll

COMMENTS: ~~DD~~ Mike: There are too many
lab data Summary Sheets to Fax. I
included 2 "example" pages as a basic
reference.

Please Contact me Should you have
any questions. *Carroll*



James E. McGreevey
Governor

State of New Jersey
Department of Environmental Protection

Bradley M. C.
Commissioner

FACSIMILE COVER SHEET

DATE: June 30, 2005

TO: Michael Hejazi

FAX: 973-299-7161

NUMBER OF PAGES (INCLUDING COVER): 11

FROM: Gene Fowler

TELEPHONE NUMBER: 609-777-1947

RESPONSIBLE PARTY REMEDIATION ELEMENT

Phone: (609) 984-1351 (ASSISTANT DIRECTOR'S OFFICE)
(609) 292-8761 (BSCM)
(609) 777-0899 (BNCM)

Fax: (609) 777-4285
(609) 633-1454

RE: Unimatic Manuf.
ISRA Case # E20010335

COMMENTS: ~~DD~~ Mike: There are too many
lab data Summary Sheets to Fax. I
included 2 "example" pages as a basic
reference.

Please Contact Me Should you have
any questions. Gene Fowler

March 11, 2005
File No. 12.0075418.00

William J. Friedman, Esq.
WolfBlock Brach Eichler
101 Eisenhower Parkway
Roseland, New Jersey 07068

Re: **Unimatic Case**
25 Sherwood Lane
Fairfield, New Jersey

Dear Bill:

GZA GeoEnvironmental, Inc. (GZA) is sending you this letter report regarding the indoor air testing conducted at the above referenced Site. The objective of the indoor air testing was to determine if polychlorinated biphenyls (PCBs) are present in the ambient air of the building interior.

Background

On February 7, 2005, GZA collected chip and wipe samples from the cement floor in the areas identified in the Department's letter dated November 9, 2004. Most of the chip and wipe samples contained PCBs at concentrations above applicable standards, some significantly above these standards. The presence of PCBs on the floor surfaces presented the possibility that PCBs presented an inhalation hazard to facility employees who were working in the impacted areas.

Worker exposure to PCBs is regulated by the federal Occupational Safety and Health Administration (OSHA). OSHA has established permissible exposure limits (PELs) for two PCB mixtures: Aroclor 1242 and Aroclor 1254. Prior analytical results of soil, groundwater, concrete chip, and wipe samples indicated that the primary Aroclor of concern for the Site is Aroclor 1248, which is chemically similar to Aroclors 1242 and 1254.

Summary of Method

GZA utilized National Institute of Occupational Safety and Health (NIOSH) Method 5503 to test the ambient air. Industrial hygiene service limitations are included as **Appendix A**. GZA collected the air samples utilizing a sampling train comprising of a filter and solid sorbent in series, connected to an air sampling pump. The filter trapped particulates, and the tube absorbed airborne vapors, so that both media could be analyzed. The sampling apparatus was calibrated utilizing a NIST-traceable primary calibration standard in the field at the beginning and end of each sampling period.



GZA set up a total of ten sampling stations at the Site, in the rack storage area. We also tested other locations inside and outside the on-Site building for comparison, see **Figure 1**. GZA also collected Quality Assurance/Quality Control samples to support the testing results.

Laboratory Analysis

After completing the air tests, the collection media were sealed in glass vials and sent to EMSL, a laboratory accredited by the American Industrial Hygiene Association (AIHA), utilizing standard chain-of-custody procedures to retain sample integrity. EMSL desorbed the collected samples in a solvent and injected it into a gas chromatograph PCB identification and quantification.

Analytical Results

Table 1 presents the analytical results for the air tests. Eight of the ten tube samples collected contained detectable concentrations of PCBs, ranging from 1.7 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air to 6.1 $\mu\text{g}/\text{m}^3$ of air. Aroclor 1242 was the only PCB detected in the samples. The highest levels of PCBs were detected at the sampling locations toward the eastern interior wall of the older rack storage area, near the sealed former trenches. None of the ten filter samples collected contained detectable concentrations of PCBs. Therefore, PCBs in the air are in the vapor phase and not absorbed onto airborne particulates (dusts). The laboratory deliverables package is included as **Appendix B**.

Quality Assurance and Control

The results of the QA/QC samples did not indicate cross-contamination or method interferences that would compromise the sample results. Additionally, the sample collected outside of the building for exterior control and the sample collected in the office area for interior control did not contain detectable concentrations of PCBs.

Limitations

The accuracy of measurements for airborne concentrations takes into account random variations in the sampling device and the analytical procedures, plus systematic errors in the sampling and analytical methods. The precision and accuracy of the NIOSH method utilized by GZA is not published at this time. However, the general coefficient of variation (CV) for this type of sampling/analysis combination is approximately 0.10. This means that the method will generally have a confidence level of 95% and the results are representative.


It should be noted that the samples were collected at breathing zone height at stationary locations around the site. However, the samplers were not placed directly upon any working employee, and therefore the results cannot be construed to represent true occupational exposure values, nor can they be used to document OSHA compliance.

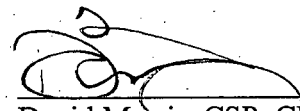
Please do not hesitate to contact the undersigned at (973) 256-7800 with any questions you may have.

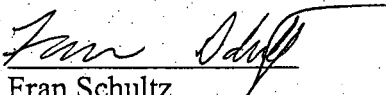
Very truly yours,

GZA GEOENVIRONMENTAL, INC.




Benjamin Alter
Associate Principal


David Morris, CSP, CHMM
Consultant/Reviewer


Fran Schultz
Vice President

TABLES

TABLE 1 AIR TESTING SUMMARY ANALYTICAL RESULTS

FIGURES

FIGURE 1 AIR SAMPLING LOCATION PLAN

APPENDICES

APPENDIX A INDUSTRIAL HYGIENE SERVICE LIMITATIONS
APPENDIX B LABORATORY REPORT

cc: Gene Fowler, NJDEP, w/Attachments
Kathy Smith, Unimatic Manufacturing Corp., w/ Table and Figure
William Parry, H2M, w/ Table and Figure
Marc Pulicastro, Esq., Greenbaum, Rowe, and Smith, w/Table and Figure
Dean DeLuccia, Frameworks, w/Table and Figure
File

AIR TESTING SUMMARY ANALYTICAL RESULTS

Former Unimatic Manufacturing Corp.
25 Sherwood Lane
Fairfield, New Jersey

Sample ID	OSHA	1-Exterior S	1-Exterior S	2-Interior S	2-Interior S	3-Whse SE	3-Whse SE	4-Whse SW	4-Whse SW	5-Whse NE
Sampling Date	PEL	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005
Units		ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³
Matrix		Filter	Tube	Filter	Tube	Filter	Tube	Filter	Tube	Filter
Compound										
Aroclor-1016	NS	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U
Aroclor-1221	NS	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U
Aroclor-1232	NS	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U
Aroclor-1242	1,000	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	6.1	0.16 U	4.8	0.12 U
Aroclor-1248	NS	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U
Aroclor-1254	500	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U
Aroclor-1260	NS	0.11 U	0.11 U	0.11 U	0.11 U	0.15 U	0.15 U	0.16 U	0.16 U	0.12 U

Sample ID	OSHA	5-Whse NE	6-Whse NW	6-Whse NW	7-W	7-W	8-NEW E	8-NEW E	9-NEW W	9-NEW W
Sampling Date	PEL	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005
Units		ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³
Matrix		Tube	Filter	Tube	Filter	Tube	Filter	Tube	Filter	Tube
Compound										
Aroclor-1016	NS	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U
Aroclor-1221	NS	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U
Aroclor-1232	NS	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U
Aroclor-1242	1,000	4.7	0.09 U	3.4	0.092 U	2.3	0.09 U	2.2	0.09 U	2.3
Aroclor-1248	NS	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U
Aroclor-1254	500	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U
Aroclor-1260	NS	0.12 U	0.09 U	0.09 U	0.092 U	0.092 U	0.09 U	0.09 U	0.09 U	0.09 U

Sample ID	OSHA	10-NEW NW	10-NEW NW	TB 1	TB1	TB 2	TB 2	MB	MB
Sampling Date	PEL	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005	3/3/2005
Units		ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³	ug/m ³
Matrix		Filter	Tube	Filter	Tube	Filter	Tube	Filter	Tube
Compound									
Aroclor-1016	NS	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1221	NS	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1232	NS	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1242	1,000	0.09 U	1.7	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1248	NS	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1254	500	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U
Aroclor-1260	NS	0.09 U	0.09 U	50 U	50 U	50 U	50 U	50 U	50 U

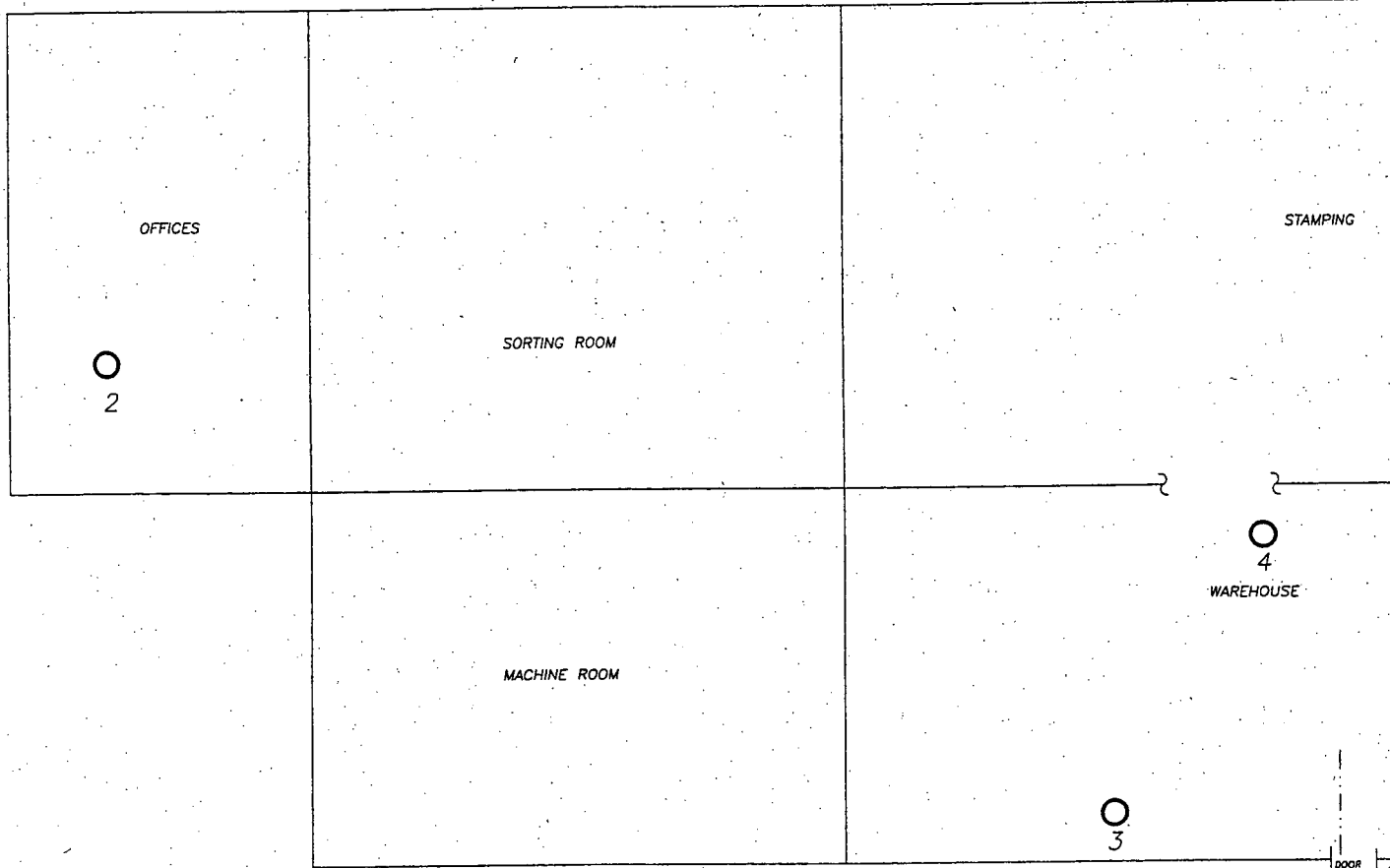
Notes:

All results and standards in micrograms per cubic meter of air (ug/m³)

PEL = Permissible Exposure Limit

NS = No PEL established by OSHA

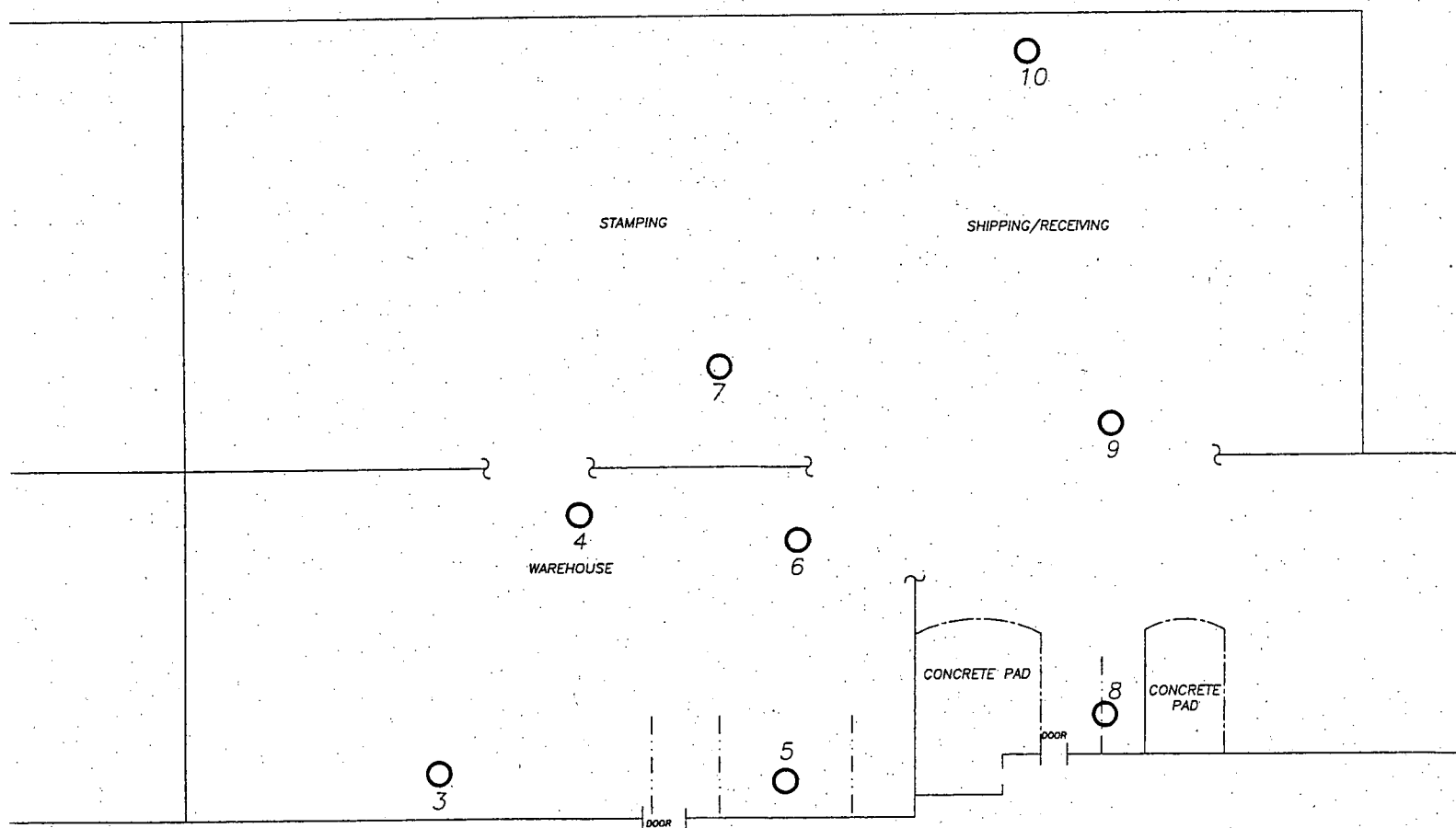
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LEGEND

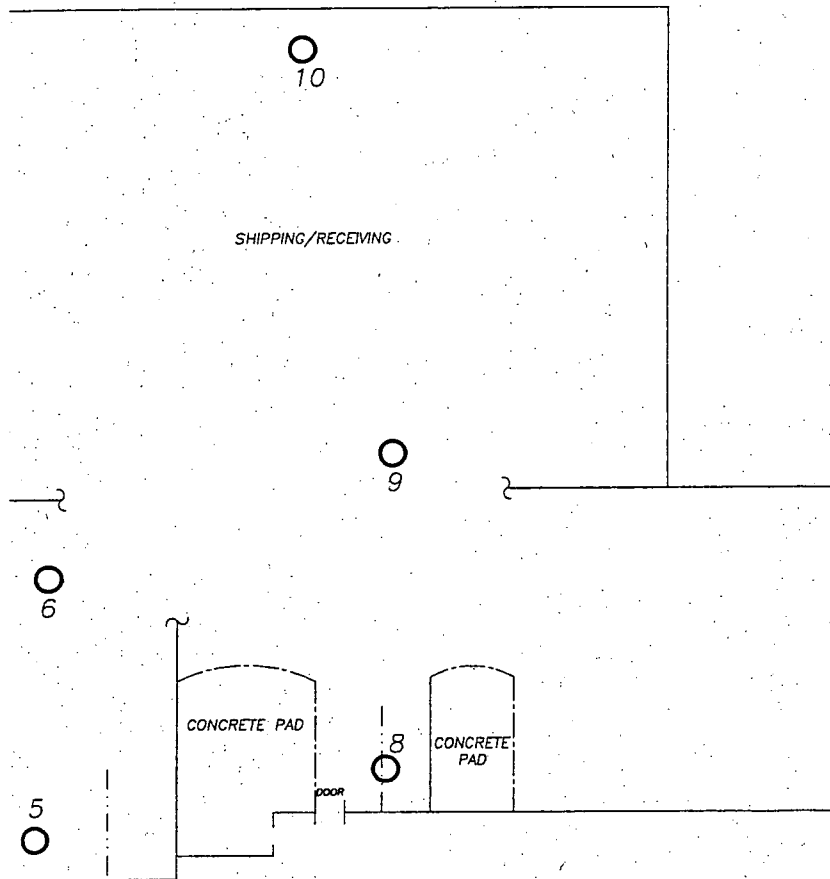
○ AP
(1-10) AIF

— F0



LEGEND

- APPROXIMATE LOCATION OF AIR SAMPLING STATION (1-10)
- FORMER FLOOR TRENCH



UNIMATIC MANUFACTURING
COMPANY

25 SHERWOOD LANE (BLOCK 2302, LOT 8)
FAIRFIELD, NEW JERSEY 07004

AIR SAMPLING
LOCATION PLAN

JOB NO.

12.0075418.00

SHEET NO.

FIGURE 1

DESCRIPTION

REV. NO.

DATE

BY

DESIGNED BY: C.S.
CHECKED BY: B.A.
REVIEWED BY: D.M.

DRAWN BY: S.W.

DATE: 03/09/2005

SCALE: 1"=20'



US Department of Labor Occupational Safety & Health Administration
Parsippany Area Office
299 Cherry Hill Road, Suite 103
Parsippany, NJ 07054
Phone (973) 263-1003
Fax (973) 299-7161



07/07/05

NJ Department of Environmental Protection
Bureau of Northern Case Management
401 E. State Street., 5th Floor,
P.O.Box 432
Trenton, NJ. 08625

Dear Fowler:

In response to your referral concerning safety and/or health hazards at:

Framework Inc.
25 Sherwood Lane
Fairfield, NJ. 07004

the Occupational Safety and Health Administration conducted an inspection there. That inspection was completed on 05/17/2005.

The results of our investigation of your referral items are as follows:

Contaminated site with PCB and possible employees exposure to the contaminant due to the lack of the proper personal protective equipment and cross contamination of the materials by employees due to heavy traffic in the site. OSHA observation, testing and employees interview did not indicate employee over-exposure to PCB or cross contamination by employees.

Attached for your information is a copy of the OSHA-2, Citation and Notification of Penalty, which was sent to the employer on 05/18/2005 and should have been posted at the workplace for at least three days after receipt.

Thank you for your interest in safety and health in the workplace.

Respectfully,

Carol M. Hamill

Philip M. Peist
Area Director



Citation and Notification of Penalty

Company Name: Framework Inc.
Inspection Site: 25 Sherwood Lane, Fairfield, NJ 07004

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, by successfully completing training and evaluation required by this paragraph:

a) Shipping and Receiving

Employer did not train and evaluate employees to ensure they were competent to operate a powered industrial truck safely.

Violation observed on or about 03/04/2005.

Date By Which Violation Must be Abated:	06/07/2005
Proposed Penalty:	\$ 600.00

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 2a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop and implement a written Hazard Communication Program which at least describes how the criteria in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) The Framework, Inc.

The employer did not develop and implement a written hazard communication program for employees exposed to hazardous chemicals, such as but not limited to Petroleum oil and Aliphatic hydrocarbon.

Violation observed on or about 03/04/2005.

Date By Which Violation Must be Abated:	06/07/2005
Proposed Penalty:	\$ 450.00

See pages 1 through 4, 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Frameware Inc.
Inspection Site: 25 Sherwood Lane, Fairfield, NJ 07004

Citation 1 Item 2b Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous materials in their work area, at the time of their initial assignment and whenever a new hazard is introduced into their work area:

a) The Frameware Inc.

Hazard Communication training was not provided to employees exposed to hazardous materials in their work area, such as but not limited to Liquid Propane, Petroleum oil and Aliphatic hydrocarbon.

Violation observed on or about 03/04/2005.

Date By Which Violation Must be Abated: 06/07/2005

See pages 1 through 4, 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Framework Inc.
Inspection Site: 25 Sherwood Lane, Fairfield, NJ 07004

Citation 2 Item 1 Type of Violation: **Other**

A log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent) and Incident Report (OSHA Form 301), was not completed within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

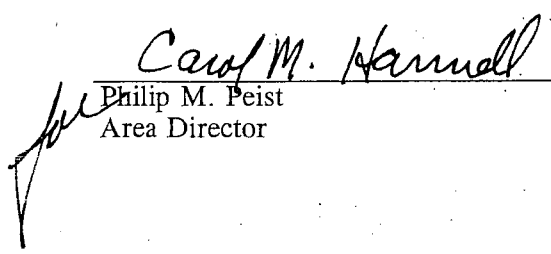
a) Facility

Recordable injuries and illnesses were not recorded properly on the OSHA Log of Occupational Injuries and Illnesses for the year 2004.

The employee knee injury was not recorded in 2004.

Violation observed on or about 03/04/2005.

Date By Which Violation Must be Abated:	06/07/2005
Proposed Penalty:	\$ 0.00


Philip M. Peist
Area Director

See pages 1 through 4, 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

From: Kevin Schick
To: hamill.carol@dol.gov
Date: 7/12/2005 3:48:31 PM
Subject: Fwd: Re: Unimatic Manufacturing (Framework, Inc.) site in Fairfield

Hello Ms. Hamill, I received a letter regarding Framework Inc. of Fairfield, New Jersey with you signing for Area Director Philip M. Peist. This letter has a sentence in bold that states, "Contaminated site with PCB and possible employees exposure to the contaminant due to the lack of the proper personal protective equipment and cross contamination of the materials by employees due to heavy traffic in the site." Following this statement is the OSHA conclusion, "OSHA observation, testing and employees interview did not indicate employee over exposure to PCB or cross contamination by employees."

In my previous discussions regarding this facility with Dr. Hejazi, he had mentioned some mitigation steps that had been taken at the facility to prevent worker exposure. Results submitted to the NJDEP indicated the presence of up to 9,200 ppm PCBs in free liquid oils on the floor. I would consider these levels to be very high based upon my experience with residual PCBs. It was my understanding that OSHA had required some additional PCB sampling at the site. The OSHA-2, Citation and Notification of Penalty attached to your letter contains only pages 6 through 8 and I can not determine if pages 1 through 5 were omitted accidentally, or there might be other pertinent information contained in these pages.

I am interested in any more detailed guidance that may have been provided to Framework Inc. regarding the PCB contaminated liquids and concrete at the facility. I make this request to aid in the ongoing site investigation being conducted under the New Jersey Industrial Site Remediation Act for the Unimatic Manufacturing (Framework Inc.) site. PCBs have apparently contaminated the site soils underlying and surrounding this facility. I am providing the string of previous e-mail correspondence with Dr. Hejazi for your information. Thank you in advance for any information you may provide.

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>>> Kevin Schick 6/24/2005 11:00 AM >>>

Hello Mr. Hejazi, I am resending this e-mail from May 11 as a followup to our telephone conversation held at that time. Has the written response to Unimatic (Framework, Inc.) been completed?

Michael, I am forwarding this to the case team here at the NJDEP associated with the PCB contamination at the Unimatic Manufacturing site. As we discussed today the Unimatic Manufacturing worker health and safety PCB issue continues to be under OSHA oversight. The indoor air has been tested and compared to OSHA PEL values and the contaminated concrete area has been access restricted. You indicated that the inspection was still considered active and that a citation addressing the required abatement will be finalized in 2-3 weeks with myself and the DEP case manager copied. Thank you very much for your assistance.

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>>> Kevin Schick 04/28/05 11:31 AM >>>

Hello Dr. Hejazi, your name was forwarded to me by the NJDEP assigned case manager handling the Unimatic Manufacturing site investigation under our ISRA program. It is my understanding that you are involved in this case for OSHA as the industrial hygienist/Federal Compliance Officer. After discussing the situation with the assigned NJDEP case team regarding the high levels of PCBs that have been found in the concrete flooring and possible free PCB contaminated liquids, I was glad to hear that this issue had been referred to OSHA for evaluation.

While the NJDEP is limited under existing regulations from requiring cleanup within buildings unless a direct route to is found to environmental contamination, we do have some experience with the remediation of PCB contaminated concrete where the facility owners have voluntarily requested our assistance. I am very interested in what approach and you will be taking to investigate and mitigate the PCB contamination within the Unimatic facility and would appreciate a synopsis of your approach. A response via email is preferred, however my complete contact information is provided below.

Thank you

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CC: Fowler, Gene; Graham, John; hejazi.michael@dol.gov; McAdams, Terry; Nickerson, Dave